

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,

Plaintiff,

vs.

NDOC, et al.,

Defendants.

Case No. 2:13-cv-00110-JAD-GWF

ORDER

Plaintiff's Second Request
for Discovery (#72)

This matter comes before the Court on Plaintiff's Second Request for Discovery (#72), filed on May 2, 2014. Defendants filed their Opposition (#73) on May 14, 2014. Plaintiff filed his Reply (#74) on May 23, 2014.

On August 30, 2013, the Attorney General accepted service for Defendants Brian Lawrence, Harold Byrne, Christopher Davis, James Greg Cox, Brea Howard, Charles Kirchen, Luis Lopez, Renee Baker, Curtis Rigney, Rob Lightsey, Walter Romero, Andrew Silverstein, Tasheena Sandoval, Drugh Waggener, William Moore, April Witter, and Ronald Bryant. The parties stipulated to a discovery plan wherein discovery was due by March 27, 2014. *See Dkt. #30*. Plaintiff filed a Request for Extension of the Discovery Deadline (#36) on February 14, 2014, which the Court granted in part. The Court limited the extension to apply only to the parties' responses to discovery requests made on or before February 14, 2014. *See Order # 41*. The extension did not permit the parties to serve additional discovery requests made after the aforementioned date. *See Order # 41*. The date to respond to previously served discovery requests was extended to April 15, 2014. *Id.*

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1 On March 14, 2014, the Attorney General filed under seal the last known addresses of
2 Defendants Adam Watson and Jacqueline Kennedy, whom the Court ordered the U.S. Marshals
3 Service to serve on March 27, 2014. *See Order #52 (Sealed)*. On April 21, 2014, the Attorney
4 General accepted service for Defendants Daniel Brown, Jerimiah Hall, Paul Hunt, John Nakashima,
5 and James Lester. *See Doc. #63*. The Attorney General subsequently filed the last known
6 addresses of Defendants Kent Belmore and Robert Ramsey under seal, whom the Court ordered the
7 U.S. Marshals Service to serve on April 24, 2014. *See Order #68 (Sealed)*. On May 2, 2013, the
8 Attorney General accepted service for Defendant Paul Malay. *See Doc. #71*. The Attorney General
9 indicated that “Davis” was the last named Defendant for whom the AG’s Office cannot accept
10 service because they are unable to ascertain which individual Plaintiff intends to sue. *Id.*

11 Plaintiff now moves this Court for a Second Request for Discovery (#72), filed on May 2,
12 2014. Therein, Plaintiff indicates that he was unable to serve the unserved Defendants with
13 discovery requests because they had not yet made an appearance before the Court. Under Local
14 Rule 26-4, any motions to extend discovery must be filed within 21 days before the operative
15 discovery cutoff date. When such a request is untimely, Federal Rule of Civil Procedure 16
16 requires a showing of “good cause.” “This standard primarily considers the diligence of the party”
17 seeking amendment. *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1294 (9th Cir. 2000) (internal
18 quotations omitted). Upon review, the Court finds good cause exists to grant Plaintiff’s Motion
19 (#72) in part. Plaintiff shall be permitted to conduct discovery on those Defendants who appeared
20 after February 14, 2014, the cut-off date for service of the initial discovery requests. Those
21 Defendants include, Adam Watson, Jacqueline Kennedy, Daniel Brown, Jerimiah Hall, Paul Hunt,
22 John Nakashima, James Lester, Kent Belmore, Robert Ramsey, Paul Malay, and “Davis”.

23 Accordingly,

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9 || DATED this 28th day of May, 2014.

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